

PATENT
Attorney Docket No. FORS-06910

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

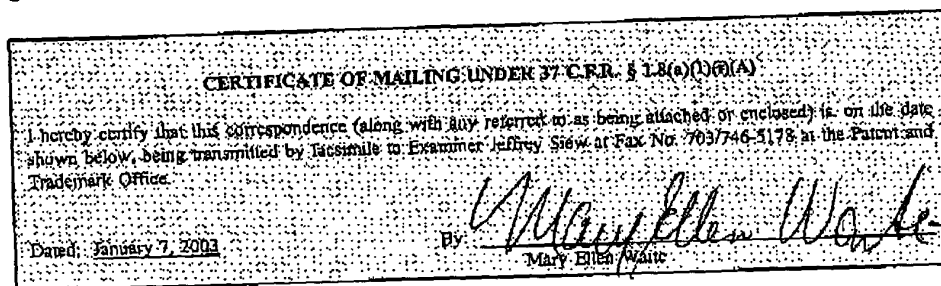
In re Application of: James R. Prudent *et al.*
Serial No.: 10/081,806
Filed: 02/22/02

Group No.: 1637
Examiner: Jeffrey Siew

Entitled: **Nucleic Acid Detection Assays**

**AMENDMENT & RESPONSE TO
OFFICE ACTION MAILED DECEMBER 31, 2002**

Assistant Commissioner for Patents
Washington, D.C. 20231



Sir or Madam:

This communication is responsive to the Office Action mailed December 31, 2002, due on or before January 31, 2003.

Please amend the subject application as follows.

IN THE CLAIMS:

Please cancel Claims 60-81.

REMARKS

Claims 26-88 are pending in the present application. The Examiner has made a restriction requirement, restricting the Claims into two groups, with Group I comprising Claims 26-59 and 82-88, and Group II comprising Claims 60-81.

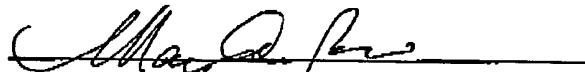
PATENT

Attorney Docket No. FORS-06910

The Examiner has characterized Group I Claims as being drawn to a method of detecting target nucleic acid, classified in class 435, subclass 6. Group II Claims are characterized as being drawn to a kit containing cleavage agent and oligonucleotides, classified in class 536, subclass 23.1.

To further business interests, Applicants have elected the Claims in Group I, *i.e.*, Claims 26-59 and 82-88, without traverse. Claims 60-81 are cancelled herein without prejudice in view of the present restriction requirement. Applicants reserve the right to prosecute these claims in one or more Divisional Applications.

If a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Dated: January 7, 2003

Mary Ann D. Brow
Registration No. 42,363
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105

OFFICIAL

FAX RECEIVED
FAX RECEIVED
AUG 27 2003
GROUP 1600